

- 3) a variable light region CDR3 comprising an amino acid sequence corresponding to amino acid residues 91 through amino acid 99 of SEQ ID NO:8,
- 4) a variable heavy region CDR1 comprising an amino acid sequence corresponding to amino acid residues 152 through amino acid 161 of SEQ ID NO:8,
- 5) a variable heavy region CDR2 comprising an amino acid sequence corresponding to amino acid residues 176 through amino acid 192 of SEQ ID NO:8,
- 6) a variable heavy region CDR3 comprising an amino acid sequence corresponding to amino acid residues 225 through amino acid 237 of SEQ ID NO:8,

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said protein exhibiting specific binding to human complement component C5, said specific binding being targeted to the alpha chain of human complement component C5, wherein the protein inhibits complement activation in a human body fluid and does not specifically bind to the human complement activation product free

C5a.

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A copy of original Claim 27 annotated to show the changes made by this amendment is attached as Exhibit C.

REMARKS

In the November 13, 2000 Office Action, the Examiner:

- (1) allowed Claims 1-8, 18-23, 25, 26, 28 and 31-33;
- (2) indicated that Claims 27 and 29-30 would be allowable if the rejections under 35 USC § 112, ¶1, were obviated;
- (3) rejected Claims 9-12 under 35 USC §112, ¶1; and
- (4) made final the restriction requirement regarding Claims 13-17.

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By the above amendments, Claim 27 has been amended so that its amino acid ranges correspond to those set forth on page 73, lines 15-21, of applicants' specification. This amendment is believed to overcome the Examiner's written description rejection under 35 USC §112, ¶1, set forth in paragraph 9 of the November 13<sup>th</sup> Office Action.

As to Claims 29 and 30, applicants' deposit of hybridoma 5G1.1 with the ATCC is referred to in applicant's specification at page 66, line 36, to page 67, line 6. As set forth therein, this deposit was made on April 27, 1994, and assigned the designation HB-11625. Attached as Exhibit D is a copy of the agreement with the ATCC governing this deposit.

With regard to rejected Claims 9-12, applicants have canceled these claims from this application. This cancellation is without prejudice to applicants' right to pursue the claims and/or claims of a similar scope in a future application. In particular, this cancellation is not intended to be, and should not be construed as, an acquiescence to the Examiner's rejections.

Non-elected Claims 13-17 have also been canceled without prejudice to applicants' right to pursue them in a further application.

In addition to the foregoing amendments to the claims, in response to paragraphs 2-4 and 6 of the Office Action, applicants have: (1) updated the status of the applications from which this application claims priority, (2) amended the title of the application, (3) removed the word "novel" from the abstract, (4) corrected various informalities in the application relating to trademark usage, and (5) inserted the current address for the ATCC at pages 38 and 67 of the specification.

In response to paragraph 5, formal drawings are submitted herewith.

In response to the questions regarding the "KSSKC" designation raised in paragraph 7, the Examiner is correct that, as indicated in applicants' sequence listing, KSSKC is a laboratory designation for SEQ ID

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NO:1. However, it is also an abbreviation for the amino acid sequence corresponding to amino acid 8 through amino acid 12 of SEQ ID NO:1. To make explicit this relationship between the KSSKC nomenclature and this amino acid sequence, the paragraph at page 52, lines 9-11, of applicants' specification has been amended as set forth above.

Attached to the Supplemental Response filed in this application on August 31, 2000 were various references relating to applicants' clinical results. Further clinical results are now available and attached hereto as Exhibit E are copies of three press releases of Alexion Pharmaceuticals, Inc., the assignee of this application, relating to its Phase IIb trials, as well two news articles which discuss those results and press releases.<sup>1</sup>

The foregoing is believed to put this application in condition for allowance. Accordingly, reconsideration and the issuance of a Notice of Allowance are respectfully requested.<sup>2</sup>

Respectfully submitted,

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<sup>1</sup> The Alexion press releases are dated January 23, 2001, January 26, 2001, and January 29, 2001. The articles are from Reuters and Tom Jacobs, and are dated January 31, 2001, and February 21, 2001, respectively.

<sup>2</sup> Submitted herewith is a petition under 37 CFR §1.136 and the required fee requesting a three month extension in which to file this Amendment. With the extension, this response is due on May 14, 2001.

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